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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ASHLEY GJOVIK, *an individual*,
Plaintiff,
v.
APPLE INC, *a corporation*,
Defendant.

Case No. 3:23-cv-04597-EMC

Filed: September 7 2023

District Judge: Honorable Edward M. Chen

MOTION FOR JUDICIAL NOTICE
Filed: December 25 2023

ADDITIONAL EXHIBITS

Hearing

Dept: Courtroom 5, 17th Floor (Virtual)

Date: February 8, 2024 1:30 p.m.

Motion for Judicial Notice Cover Page: Exhibit 12

Locations: 3255 Scott Blvd

Declaration: *I verified the authenticity of each of these documents. A true and correction version of each document is attached in each exhibit. I declare under penalty of perjury this is true and correction. /s/ Ashley M. Gjovik (January 2 2024).*

MOTION FOR JUDICIAL NOTICE (PART II)
ADDITIONAL EXHIBIT

SECTION:

Santa Clara Website & Notices
3255 Scott Blvd

Projects Listing

Santa Clara Square - Residential/Mixed-Use (The Irvine Company)



Category: Completed, Archived Projects

Address: [2600 Augustine Drive \(Multiple Addresses on Augustine, Montgomery, Scott, Coronado and Octavious\)](#)
[Santa Clara, CA](#)

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Santa Clara Square - Residential/Mixed-Use (The Irvine Company) | Projects Listing | City of Santa Clara



Land Area: 39.7 acres

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Santa Clara Square - Residential/Mixed-Use (The Irvine Company) | Projects Listing | City of Santa Clara

Occupancy Date: 2019-20

Project Description: The project proposes an infill, mixed-use residential development project that would consist of approximately 2,200 rental apartment units that would be developed in 8 apartment complexes located between Bowers Avenue and San Tomas Aquino Creek. The project includes parking garages as part of each residential complex. The retail component of the proposed apartment neighborhood will add approximately 40,000 sf of retail to the previously approved 125,000 sf adjacent retail center. The project also includes approximately 4,500 sf of leasing space, and approximately 38,000 sf of amenity space.

File Number: PLN2015-10899**Project Planner:** Yen Han Chen, Associate Planner**Project Planner Contact:** (408) 615-2450; ychen@santaclaraca.gov

[Return to full list >>](#)

Projects Listing

Santa Clara Square development project (The Irvine Company)



Category: Completed, Archived Projects

Address: [2600 Augustine Drive \(plus multiple addresses on Augustine, Octavious, Montgomery, Scott and Coronado\)](#)
[Santa Clara, CA](#)

Summary

Project description and status: The Santa Clara Square project encompasses approximately 93 acres and includes office, retail, mixed-use and residential space with approximately 1,862,000 square feet (sf) of office, 178,000 sf of retail and up to 1840 units of residential apartment units. Phase I of the office portion is approximately 618,000 sf. Phases II & III of the office portion total approximately 1,243,300 sf. The buildings are complete and the owner is securing tenant leases for the space. The office portion of the project also includes up to 13,000 sf of retail and amenity buildings. This retail space is constructed and available for leasing. Phase I of the retail portion is comprised of 125,000 sf. The retail center is occupied by a market as an anchor tenant along with 4 main restaurant pads. The buildings are constructed and securing tenants. The residential/mixed-use portion of the project is comprised of 40,000 sf of retail and up to 1840 of apartments in seven buildings. The two mixed-use residential/retail buildings, five residential buildings and new City park are under construction.

Property owner/applicant: The Irvine Company



**City of
Santa Clara**
The Center of What's Possible

NOTICE

NOTICE OF AVAILABILITY
for Public Review of an
Environmental Impact Report
Distribution Date: October 5, 2015

As authorized by the City of Santa Clara as a Lead Agency, the City hereby provides a **45-day public review period** for an Environmental Impact Report (EIR) prepared pursuant to the California Environmental Quality Act (CEQA).

Project title: **Santa Clara Square - Residential/Mixed Use Project**
File: SCH#2015032075, CEQ2015-01186, PLN2015-10899 (GPA), PLN2015-10900 (Rezone), PLN 2015-10901 (DA), PLN2015-10902 (Map)
Location: 2600-2610 Augustine Dr, 3300-3380 Montgomery Dr & 3265 Scott Blvd (APN 216-45-023); 3283 Scott Blvd (APN 216-45-011); 3255 Scott Blvd & 2500 Augustine Dr (APN 216-45-022); 3303-3309 Octavius Dr & 3221-3233 Scott Blvd (APN 216-45-024); 2620 Augustine Dr (APN 216-45-028); 3230 Scott Blvd (APN 216-29-053); 3236 Scott Blvd (APN 216-29-112), Santa Clara, California
Applicant: Carlene Matchniff, Irvine Company
Owner: Irvine Company
Request: The applicant proposes to demolish the existing buildings on the approximately 33.4-acre project site and construct a mixed-use residential development project that would consist of 1,800 apartment units. The proposed project also includes approximately 40,000 gross square feet (gsf) of retail space, 4,500 gsf of leasing space, and approximately 38,000 gsf of amenity space. The proposed project includes a parking garage within each of the seven (7) apartment complexes. Other infrastructure improvements (i.e., sewer, water, and storm drainage) needed to serve the proposed project would also be constructed. Direct access to the site is provided by Bowers Avenue, Scott Boulevard, and Augustine Drive. Other roads that provide access to portions of the project site include Montgomery Drive, and Octavius Drive. The proposed site plans include removal of the existing landscaping and planting of new trees and shrubs on the site. Additionally, a portion of the project site will be reserved for public park or open space uses. Actions to be considered include Certification of the Environmental Impact Report, General Plan Amendment, Rezoning, and Vesting Tentative Parcel Map.

ENVIRONMENTAL IMPACT REPORT DETERMINATION

Based on the conclusions in the Draft EIR, implementation of the proposed project would result in Significant Unavoidable project-level impacts with regard to air quality, land use, and traffic, and Significant Unavoidable cumulative impacts with regard to air quality, noise, traffic, and utilities. All other significant impacts of the project would be mitigated to a less than significant level by the mitigation measures included in the Draft EIR.



AVAILABILITY OF DOCUMENTS: The City has prepared a Draft EIR which is available for review in the project file in the Planning Division office in City Hall at 1500 Warburton Avenue, and the Central Library at 2635 Homestead Road, both of which are located in the City of Santa Clara. The document is also available online at www.santaclaraca.gov/CEQA.

PUBLIC COMMENT PERIOD: The public comment period on the Draft EIR will extend for 45 days, **beginning on Monday, October 5, 2015 and ending on Thursday, November 19, 2015.** Comments that are received on the Draft EIR will be addressed and included in the Final EIR (FEIR). All comments must be submitted in writing on or before the end of the public comment period. Written comments on the Draft EIR should be submitted no later than 5:00 PM on November 19, 2014 to:

Lead Agency: City of Santa Clara Planning Division
 Contact: Yen Han Chen, Associate Planner, Email: YChen@santaclaraca.gov
 1500 Warburton Avenue, Santa Clara, CA 95050
 Phone (408) 615-2450, Fax: (408) 247-9857

Public Meeting Schedule (Tentative): The City of Santa Clara Planning Commission will hold a public meeting on the EIR and related development applications. This Meeting will be separately noticed and is anticipated for December 9, 2015. Following the conclusion of the Commission meeting, the EIR and related development applications will be tentatively scheduled for consideration and action by the City Council at a public meeting on December 15, 2015. Planning Commission and City Council meetings start at 7:00 PM in the Santa Clara Council Chambers, 1500 Warburton Avenue, Santa Clara. Interested Parties should call the Santa Clara Planning Department at (408) 615-2450 to confirm meeting agendas, times and dates. Confirmed public hearing dates will be posted on the City's website at: www.santaclaraca.gov.

Kevin L. Riley 
 Director of Planning & Inspection, City of Santa Clara

Date 10/02/15

File numbers: PLN2008-06858 (original approval); PLN2013-09609 (addendum to office and retail); PLN2014-10256 (addendum to office and retail); PLN2014-10577 (amendment to office area); PLN2015-10899 (residential/mixed-use original approval); PLN2017-12688 (residential/mixed-use addendum)

Parcel numbers: APNs 216-29-112, -053; 216-45-006, -009, -011, -014, -019, -022, -023, -024, -025, -027, -028, -031, -032, 036, -037, -038

Project planner/City contact: Debby Fernandez, Associate Planner; dfernandez@santaclaraca.gov, 408-615-2450

Resources

[Environmental review documents](#)

City Council meeting (5/5/09) [minutes](#)

Planning Commission hearing (6/26/13) [minutes](#)

City Council meeting (7/2/13) [minutes](#)

Planning Commission hearing (5/28/14) [minutes](#)

City Council meeting (6/10/14) [minutes](#)

Planning Commission hearing (10/22/14) [minutes](#)

City Council meeting (11/18/14) [minutes](#)

Planning Commission hearing (12/9/15) [minutes](#)

City Council meeting (12/15/15) [minutes](#)

Planning Commission hearing (10/11/17) [minutes](#)

City Council meeting (11/21/17) [minutes](#) and [presentation](#) (PDF)

[Return to full list >>](#)

Environmental Review/CEQA

Santa Clara Square Residential/Mixed-Use Project

Category: Environmental Impact Report, Archive - All CEQA Documents, Archive - Environmental Impact Report (EIR)

Address: [2600-2610 Augustine Dr, 3300-3380 Montgomery Dr & 3265 Scott Blvd; 3283 Scott Blvd; 3255 Scott Blvd & 2500 Augustine Dr; 3303-3309 Octavius Dr & 3221-3233 Scott Blvd; 2620 Augustine Dr; 3230 Scott Blvd; 3236 Scott Blvd](#)
[Santa Clara, CA 95054](#)

EIR Addendum No. 1

[Notice for Planning Commission Meeting of October 11, 2017](#)

[Addendum No. 1](#)

[Appendix A](#)

[Appendix B](#)

[Appendix C](#)

[Appendix D](#)

[Appendix E](#)

Final Environmental Impact Report

[Errata Memo for the FEIR](#) (PDF): Distributed December 9, 2015

[Final Environmental Impact Report](#) (PDF): Distributed December 4, 2015

Draft Environmental Impact Report

45-day review period: October 5, 2015 - November 19, 2015

[Notice of Availability](#) (PDF)

[Volume I EIR](#) (PDF)

Volume II EIR

[Cover Page](#) (PDF)

[4.2 Air Quality and Greenhouse Gas Emission Assessment](#) (PDF)

[4.3 Biological Resources, Biological Assessment, Tree Surveys](#) (PDF)

[4.4 Cultural Resources Assessment Report](#) (PDF)

[4.7 Hydrology Study](#) (PDF)

[4.9 Environmental Noise Impact Report](#) (PDF)

Volume III EIR

[Cover Page](#) (PDF)

[4.11 Transportation Impact Analysis](#) (PDF)

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Santa Clara Square Residential/Mixed-Use Project | Environmental Review/CEQA | City of Santa Clara

[4.12 Water Supply Assessment](#) (PDF)

[4.13 Geotechnical Investigation Reports](#) (PDF)

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DEPARTMENT OF TOXIC SUBSTANCES CONTROL

ENVIROSTOR

SANTA CLARA SQUARE APARTMENTS (60002212)

[SIGN UP FOR EMAIL](#)

3255 SCOTT BOULEVARD
SANTA CLARA, CA 95054
SANTA CLARA COUNTY
SITE TYPE: VOLUNTARY AGREEMENT

PROJECT MANAGER: [NICOLE YUEN](#)
SUPERVISOR: [MARIKKA HUG](#)
OFFICE: CLEANUP BEF
PUBLIC PARTICIPATION SPECIALIST: [TAMMY PICKE](#)
CENSUS TRACT: 6085505202
CALENVIROSCREEN PERCENTILE SCORE: 55-60%

[Summary](#) | [Land Use Restrictions](#) | [Activities](#) | [Community Involvement](#) | [Site/Facility Docs](#) | [Sub-Areas](#) | [Map](#) | [Related Sites](#) | [CalEnviroScreen](#)

Site Information

CLEANUP STATUS

CERTIFIED O&M - LAND USE RESTRICTIONS ONLY AS OF 9/23/2021

SITE TYPE: VOLUNTARY AGREEMENT

NATIONAL PRIORITIES LIST: NO

ACRES: 33 ACRES

APN: 216-45-049, 216-45-050

CLEANUP OVERSIGHT AGENCIES:

DTSC - SITE CLEANUP PROGRAM - **LEAD AGENCY**

ENVIROSTOR ID:

60002212

SITE CODE:

202044

SPECIAL PROGRAM:

VOLUNTARY AGREEMENT - CLRRRA

FUNDING:

SITE PROPONENT

ASSEMBLY DISTRICT:

26

SENATE DISTRICT:

10

Regulatory Profile

PAST USE(S) THAT CAUSED CONTAMINATION

AGRICULTURAL - ORCHARD

POTENTIAL CONTAMINANTS OF CONCERN

ARSENIC

DIELDRIN

LEAD

POTENTIAL MEDIA AFFECTED

SOIL

Site History

The Site consists from 4 operable units under 4 separate CLRRRA agreements with 4 separate proponents. OU1 consists of 3265 Scott Boulevard, 3300, 3310, 3340, 3350, 3360, 3370, and 3380 Montgomery Drive, and 2600 and 2610 Augustine Drive (APN 216-45-022), OU2 consists of 3255 and 3321 Scott Boulevard; and 3303-3309 Octavius Drive (APNs 216-45-023 and -024), OU3 consists of 3236 Scott Boulevard (APN 216-29-112) and OU4 consists of 3230 Scott Boulevard (APN 216-29-053). Prior to development in the mid-1970s, the properties were used as agricultural land (orchards). The Response Plan for the Site was approved in January 2016 and the proposed remedy was to excavate soil above cleanup goals and place below cap such as pavement parking areas, buildings, and in landscaped areas, two feet of clean fill. The Site has been developed with 7 residential apartment buildings with total of 1800 units, 40,000 SF of retail and 16 acres of public and private open space. All three phases of the Implementation Plan have been completed as of August 2021 and certified as of September 2021.

No further action is required at the Site beyond the annual inspections are required by the land use covenants covering select portions of the Site.

updated 8/2022, NY

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DEPARTMENT OF TOXIC SUBSTANCES CONTROL

ENVIROSTOR

SANTA CLARA SQUARE APARTMENTS (60002212)

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3255 SCOTT BOULEVARD
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Land Use Restrictions

DISCLAIMER: The land use restrictions listed under the site management requirements are only an abbreviated summary of the land use restrictions, may not encompass all restrictions and notification requirements placed on a property. For complete land use restriction information please see the Use Restriction document by, clicking on the "VIEW COVENANT" link.

AREA	SUB-AREA	TITLE/DESCRIPTION	DATE RECORDED	SITE MANAGEMENT REQUIREMENTS
PROJECT WIDE		Land Use Covenant (Phase III) - Park	8/10/2021	<ul style="list-style-type: none"> DAY CARE CENTER PROHIBITED HOSPITAL USE PROHIBITED LAND USE COVENANT NO EXCAVATION OF CONTAMINATED SOILS WITHOUT AGENCY REVIEW AND APPROVAL NO EXCAVATION OR ACTIVITIES WHICH DISTURB THE SOIL BELOW A SPECIFIED DEPT (SEE COVENANT FOR DEPTH) WITHOUT AGENCY REVIEW AND APPROVAL OF A SOIL MANAGEMENT PLAN NOTIFY AFTER CHANGE OF PROPERTY OWNER NOTIFY PRIOR TO CHANGE IN LAND USE NOTIFY PRIOR TO DEVELOPMENT NOTIFY PRIOR TO SUBSURFACE WORK PUBLIC OR PRIVATE SCHOOL FOR PERSONS UNDER 21 PROHIBITED RESIDENCE USE PROHIBITED
PROJECT WIDE		Land Use Covenant (Phase III) - Non-Park	8/10/2021	<ul style="list-style-type: none"> DAY CARE CENTER PROHIBITED HOSPITAL USE PROHIBITED LAND USE COVENANT NO EXCAVATION OF CONTAMINATED SOILS WITHOUT AGENCY REVIEW AND APPROVAL NO EXCAVATION OR ACTIVITIES WHICH DISTURB THE SOIL BELOW A SPECIFIED DEPT (SEE COVENANT FOR DEPTH) WITHOUT AGENCY REVIEW AND APPROVAL OF A SOIL MANAGEMENT PLAN NOTIFY PRIOR TO CHANGE IN LAND USE NOTIFY PRIOR TO DEVELOPMENT NOTIFY PRIOR TO SUBSURFACE WORK PUBLIC OR PRIVATE SCHOOL FOR PERSONS UNDER 21 PROHIBITED RESIDENCE USE PROHIBITED
PROJECT WIDE		Land Use Covenant (Phase II) - Non-Park LUC	2/21/2020	<ul style="list-style-type: none"> DAY CARE CENTER PROHIBITED ELDER CARE CENTER PROHIBITED HOSPITAL USE PROHIBITED NO EXCAVATION OF CONTAMINATED SOILS WITHOUT AGENCY REVIEW AND APPROVAL NO EXCAVATION OR ACTIVITIES WHICH DISTURB THE SOIL BELOW A SPECIFIED DEPT (SEE COVENANT FOR DEPTH) WITHOUT AGENCY REVIEW AND APPROVAL OF A SOIL MANAGEMENT PLAN NOTIFY AFTER CHANGE OF PROPERTY OWNER NOTIFY PRIOR TO SUBSURFACE WORK PUBLIC OR PRIVATE SCHOOL FOR PERSONS UNDER 21 PROHIBITED RESIDENCE USE PROHIBITED
PROJECT WIDE		Land Use Covenant (Phase II) - Park TPZs	1/31/2020	<ul style="list-style-type: none"> DAY CARE CENTER PROHIBITED HOSPITAL USE PROHIBITED LAND USE COVENANT NO EXCAVATION OF CONTAMINATED SOILS WITHOUT AGENCY REVIEW AND APPROVAL NO EXCAVATION OR ACTIVITIES WHICH DISTURB THE SOIL BELOW A SPECIFIED DEPT (SEE COVENANT FOR DEPTH) WITHOUT AGENCY REVIEW AND APPROVAL OF A SOIL MANAGEMENT PLAN NOTIFY AFTER CHANGE OF PROPERTY OWNER NOTIFY DAMAGES TO REMEDY AND MONITORING SYSTEMS UPON DISCOVERY NOTIFY PRIOR TO CHANGE IN LAND USE NOTIFY PRIOR TO SUBSURFACE WORK RESIDENCE USE PROHIBITED
PROJECT WIDE		Land Use Restriction (Phase I)	10/2/2019	<ul style="list-style-type: none"> DAY CARE CENTER PROHIBITED HOSPITAL USE PROHIBITED LAND USE COVENANT NO EXCAVATION OF CONTAMINATED SOILS WITHOUT AGENCY REVIEW AND APPROVAL NOTIFY AFTER CHANGE OF PROPERTY OWNER NOTIFY PRIOR TO SUBSURFACE WORK PUBLIC OR PRIVATE SCHOOL FOR PERSONS UNDER 21 PROHIBITED RESIDENCE USE PROHIBITED

MOTION FOR JUDICIAL NOTICE (PART II)
ADDITIONAL EXHIBIT

SECTION:

CalEPA DTSC Notices
3255 Scott Blvd

COMMUNITY UPDATE

The mission of DTSC is to protect California's people and environment from harmful effects of toxic substances by restoring contaminated resources, enforcing hazardous waste laws, reducing hazardous waste generation, and encouraging the manufacture of chemically safer products.

DRAFT RESPONSE PLAN FOR THE SANTA CLARA SQUARE APARTMENTS



The California Department of Toxic Substances Control (DTSC) invites you to review and comment on the draft Response Plan for the Santa Clara Square (SCS) Apartments Site (Site) located at 3380, 3350, and 3310 Montgomery Drive, and 3230, 3233, 3236, 3255, and 3265 Scott Boulevard in Santa Clara, California 95054. The Site also includes about 140 feet of the eastern portion of the SCS Retail Site that was proposed to be cleaned up under SCS Retail Site Response Plan, dated July 2014. Cleanup of the SCS Retail Site is complete except for the eastern portion which will be cleaned up under this Response Plan. The Site comprises of 7 parcels and is approximately 33 acres with existing office buildings. The Site will be redeveloped with 7 residential apartment buildings and associated uses with a total of 1,800 units, 40,000 square feet of retail space and 16 acres of public and private open space.

Environmental investigations found elevated levels of arsenic, lead, and pesticides in soil that could pose a risk to human health and the environment.

The draft Response Plan is a cleanup plan to address the soil contamination. DTSC would oversee the proposed cleanup of the contamination at the Site, and encourages your participation in the cleanup decision-making process.

Public Comment Period



**November 25, 2015 -
January 5, 2016**

DTSC will accept public comments on the draft Response Plan during the public comment period; **November 25, 2015 through January 5, 2016**. All comments must be received by **January 5, 2016**. Send all comments to:

Jayantha Randeni

Project Manager

700 Heinz Avenue

Berkeley, California 94710

(510) 540-3806

Jayantha.Randeni@dtsc.ca.gov

Tammy Pickens

Public Participation Specialist

8800 Cal Center Drive

Sacramento, California 95826

(916) 255-3594 or (866) 495-5651

Tammy.Pickens@dtsc.ca.gov



Department of Toxic Substances Control

SITE HISTORY AND BACKGROUND

The Site and the surrounding properties were used as agricultural orchards from approximately the 1930s until development in the 1970s. In the 1970s, the Site was developed with industrial and office buildings and used by various industrial, research and development, and testing laboratory tenants.

INVESTIGATION FINDINGS

Environmental investigations conducted in June 2013, November, July and December 2014, and July 2015 found arsenic, lead, and pesticides (dieldrin and 4,4'-dichlorodiphenyldichloroethylene (DDE)) in the shallow soil at concentrations above regulatory screening levels. This contamination is likely associated with past agricultural uses. Groundwater and soil gas sampling were conducted to evaluate potential releases from various operations at the Site and from up-gradient sources. Groundwater and soil gas concentrations were below the screening levels.

PROPOSED RESPONSE ACTION

The proposed response action is to excavate and consolidate contaminated soil on-site, beneath a "cap" (e.g., paved parking lots, buildings, or 2 feet of clean soil in landscaped areas). Pre-excavation confirmation soil sampling was conducted in 2015 and the depths of excavation required to meet unrestricted use cleanup levels have been established. The cleanup level for arsenic is 17 milligrams per kilogram (mg/kg) based on the naturally-occurring background concentration. The cleanup levels based on unrestricted land use for lead, dieldrin and DDE are 80 mg/kg, 0.34 mg/kg and 2 mg/kg, respectively. Approximately 117,500 cubic yards of contaminated soil would be excavated. The consolidation areas are about 6 feet deep and have a capacity of about 50,000 cubic yards. The remaining contaminated soil would be transported to appropriate permitted landfills. Soil excavation would be staged to minimize stockpiling soil by placing excavated soil directly into the consolidation areas. Soil excavation,

handling, and stockpiling would be performed in a manner which limits and controls the mixing of contaminated soil with uncontaminated soil.

This response action would reduce the human health risks to levels that would allow unrestricted land use across all areas of the Site outside of the contaminated soil consolidation areas. A land use covenant would be required to restrict land use in the consolidation areas and the cap may require ongoing monitoring and maintenance.

SAFETY CONTROLS DURING CLEANUP

Dust control measures would be used to minimize dust that may be created during the excavation and handling of soil to ensure public safety. These controls may include covering any exposed soil with plastic sheeting, modifying work practices to minimize dust generation, and using water to suppress dust. Before leaving the Site, trucks and other equipment would be decontaminated using brooms and brushes to remove soil and mud. Air monitoring would occur during the cleanup to determine when additional dust control measures may be needed.

CLAIFORNIA ENVIRONMENTAL QUALITY ACT

DTSC, acting as a Responsible Agency under CEQA, intends to rely on the Environmental Impact Report (EIR) for the Santa Clara Square Residential/Mixed Use Project, State Clearinghouse (SCH) No. 2015032075. The EIR analyzes the environmental effects anticipated from the Response Plan activities and includes mitigation measures for air quality, biological resources, cultural resources, noise, and hazards and hazardous materials appropriate for the project that have been incorporated into the Response Plan document. After final EIR certification, DTSC intends to issue CEQA findings, approve the Response Plan, and file a Notice of Determination with the Governor's Office of Planning and Research SCH.



Department of Toxic Substances Control

NEXT STEPS

DTSC will review and consider comments received during the public comment period before making a final decision to approve, modify or deny the Response Plan. If comments are received from the community on the draft Response Plan, DTSC will prepare a “Response to Comments” at the completion of the public comment period. Anyone who submits comments will receive a copy of the “Response to Comments”. Additionally, a copy of the “Response to Comments” would be placed in the information repositories.

INFORMATION REPOSITORIES

The draft Response Plan, and project-related documents can be viewed at:

City of Santa Clara Public Library
2635 Homestead Road
Santa Clara, California 95051
(408) 615-2900; Call for hours

DTSC Regional Office File Room
700 Heinz Avenue
Berkeley, California 94710
(510) 540-3800; Call for an appointment

or DTSC Envirostor website: www.envirostor.dtsc.ca.gov/public/

The draft EIR can be viewed at: www.santaclaraca.gov/CEQA and at:

City Santa Clara
Planning Division office
1500 Warburton Avenue
Santa Clara, California 95050

DTSC CONTACT INFORMATION

The following individuals can be contacted with any questions or concerns you may have regarding the project.

Jayantha Randeni
Project Manager
(510) 540-3806

Jayantha.Randeni@dtsc.ca.gov

Tammy Pickens
Public Participation Specialist
(916) 255-3594 or (866) 495-5651

Tammy.Pickens@dtsc.ca.gov

Jorge Moreno
Public Information Officer
(916) 327-4383

Jorge.Moreno@dtsc.ca.gov



Public Notice

The mission of DTSC is to protect California's people and environment from harmful effects of toxic substances by restoring contaminated resources, enforcing hazardous waste laws, reducing hazardous waste generation, and encouraging the manufacture of chemically safer products.

DRAFT RESPONSE PLAN FOR SANTA CLARA APARTMENTS

PUBLIC COMMENT PERIOD BEGINNING: NOVEMBER 25, 2015 TO JANUARY 5, 2016

WHAT'S BEING PROPOSED? The California Department of Toxic Substances Control (DTSC) invites you to review and comment on the draft Response Plan for the Santa Clara Square (SCS) Apartments Site (Site) located at 3380, 3350, and 3310 Montgomery Drive, and 3230, 3233, 3236, 3255, and 3265 Scott Boulevard in Santa Clara, California. The Site also includes about 140 feet of the eastern portion of the SCS Retail Site that was proposed to be cleaned up under SCS Retail Site Response Plan, dated July 2014. Cleanup of the SCS Retail Site is complete except for the eastern portion which will be cleaned up under this Response Plan. DTSC is overseeing the proposed cleanup of contamination at the Site.

Environmental investigations indicate that arsenic, lead, and pesticides in shallow soil at the Site are present at elevated levels that could pose risk to human health. The draft Response Plan proposes to excavate and consolidate contaminated soil on-Site, beneath a "cap" (e.g., parking structures, buildings, parking lots, or 2 feet of clean soil in landscaped areas) and transport the remaining contaminated soil to an off-site landfill. Land use covenants will be required to restrict land use in the consolidation areas and the cap may require on-going monitoring and maintenance. The Site will be redeveloped with 7 residential apartment buildings and associated uses with a total of 1,800 units, 40,000 square feet of retail space and 16 acres of public and private open space.

CALIFORNIA ENVIRONMENTAL QUALITY ACT: DTSC, acting as a Responsible Agency under CEQA, intends to rely on the Environmental Impact Report (EIR) for the Santa Clara Square Residential/Mixed Use Project, State Clearinghouse (SCH) No. 2015032075. The EIR analyzes the environmental effects anticipated from the Response Plan activities and includes mitigation measures for air quality, biological resources, cultural resources, noise, and hazards and hazardous materials appropriate for the project that have been incorporated into the Response Plan document. After final EIR certification, DTSC intends to issue CEQA findings, approve the Response Plan, and file a Notice of Determination with the Governor's Office of Planning and Research SCH.

HOW DO I PARTICIPATE? Comments concerning the draft Response Plan must be received by **January 5, 2016** to Jayantha Randeni, Project Manager, 700 Heinz Avenue, Berkeley, California 94710 or Jayantha.Randeni@dtsc.ca.gov.

INFORMATION REPOSITORIES: The draft Response Plan is available for review at:

City of Santa Clara Public Library

2635 Homestead Road

Santa Clara, California 95051

(408) 615-2900; Call for hours

DTSC Berkeley Regional Office

700 Heinz Avenue

Berkeley, California 94710

(510) 540-3800; Call for an appointment

or DTSC's EnviroStor website: <http://www.envirostor.dtsc.ca.gov/public/>.

CONTACT INFORMATION: For questions or additional information regarding the Site, contact the following staff: Jayantha Randeni, Project Manager at (510) 540-3806 or Jayantha.Randeni@dtsc.ca.gov, or Tammy Pickens, Public Participation Specialist at (916) 255-3594 or 1 (866) 495-5651 or Tammy.Pickens@dtsc.ca.gov, or Jorge Moreno, Public Information Officer at (916) 327-4383 or Jorge.Moreno@dtsc.ca.gov.

NOTICE TO HEARING IMPAIRED: TTY users may use the California Relay Service @ 711 or 1-800-855-7100. You may also contact the Public Participation Specialist listed at the end of this update.

Cal/EPA



DTSC



State of California



Work Notice

The mission of DTSC is to protect California's people and environment from harmful effects of toxic substances by restoring contaminated resources, enforcing hazardous waste laws, reducing hazardous waste generation, and encouraging the manufacture of chemically safer products.

Santa Clara Square Apartments

Santa Clara, California 95054

Work Begins April 27, 2016

The Department of Toxic Substances Control (DTSC) is distributing this notice to inform the community about upcoming work at the Santa Clara Square Apartments Site (Site), located at 3380, 3350, and 3310 Montgomery Drive, and 3230, 3233, 3236, 3255, and 3265 Scott Boulevard, in Santa Clara, California 95054. Environmental investigations at the Site have shown the presence of arsenic, lead, and pesticides in shallow soils related to historical agricultural use. The cleanup work will consist of excavating and consolidating contaminated soil on-site, beneath a protective "cap" consisting of paved parking lots, buildings, or two feet of clean soil in landscaped areas. The 33-acre Site will be developed with 7 residential apartment buildings with 1,800 units; 40,000 square feet of retail space; and 16 acres of public and private open space.

What Work Will Be Done?

Work will begin on April 27, 2016 and will occur on weekdays between 6:00 A.M. and 6:00 P.M. The cleanup will be conducted in three phases. Cleanup activities in the Phase 1 areas, as shown on Figure 1, are expected to take about seven weeks and will be completed approximately by June 2016. Cleanup activities in the Phase 2 areas, as shown on Figure 1, are expected to start in June 2016 and end by August 2016. Cleanup activities in the Phase 3A and 3B areas, as shown on Figure 1, are expected to start in August 2017 and end by September 2017.

During this time, you may see the following work activities taking place:

- Staging of heavy equipment, vehicle parking, and trucks entering and leaving the Site
- Earth moving activities, including soil removal, stockpiling, and fill placement and grading
- Workers, wearing safety gear, operating equipment and managing work

The following actions will ensure public safety:

- Barricades or fencing will be installed to minimize access to the work area
- Soil excavation will be staged to minimize stockpiling
- Stockpiles will be placed on plastic sheeting and covered with plastic sheeting
- Water will be sprayed to control dust
- Vehicle speeds will be restricted
- Vehicle tires will be cleaned prior to leaving the Site
- Haul trucks will be covered with tarps
- Air monitoring will be set up around the perimeter to monitor dust



Department of Toxic Substances Control

Where Can I Get More Information?

The Response Plan and other project-related documents are available at:

City of Santa Clara Public Library
2635 Homestead Road
Santa Clara, CA 95051
(408) 615-2900; call for hours

DTSC Berkeley Regional Office
700 Heinz Avenue
Berkeley, California 94710
(510) 540-3800; call for an appointment

or on the DTSC's EnviroStor website: <http://www.envirostor.dtsc.ca.gov/public>

DTSC Contact Information:

If you have any questions about this Site or the upcoming work, please contact: Jayantha Randeni, Project Manager, at (510) 540-3806 or Jayantha.Randeni@dtsc.ca.gov

For questions regarding public participation, please contact: Asha Setty, Public Participation Specialist, at (510) 540-3910 or Asha.Setty@dtsc.ca.gov

For media inquiries, please contact: Jorge Moreno, Public Information Officer, at (916) 327-4383 or Jorge.Moreno@dtsc.ca.gov

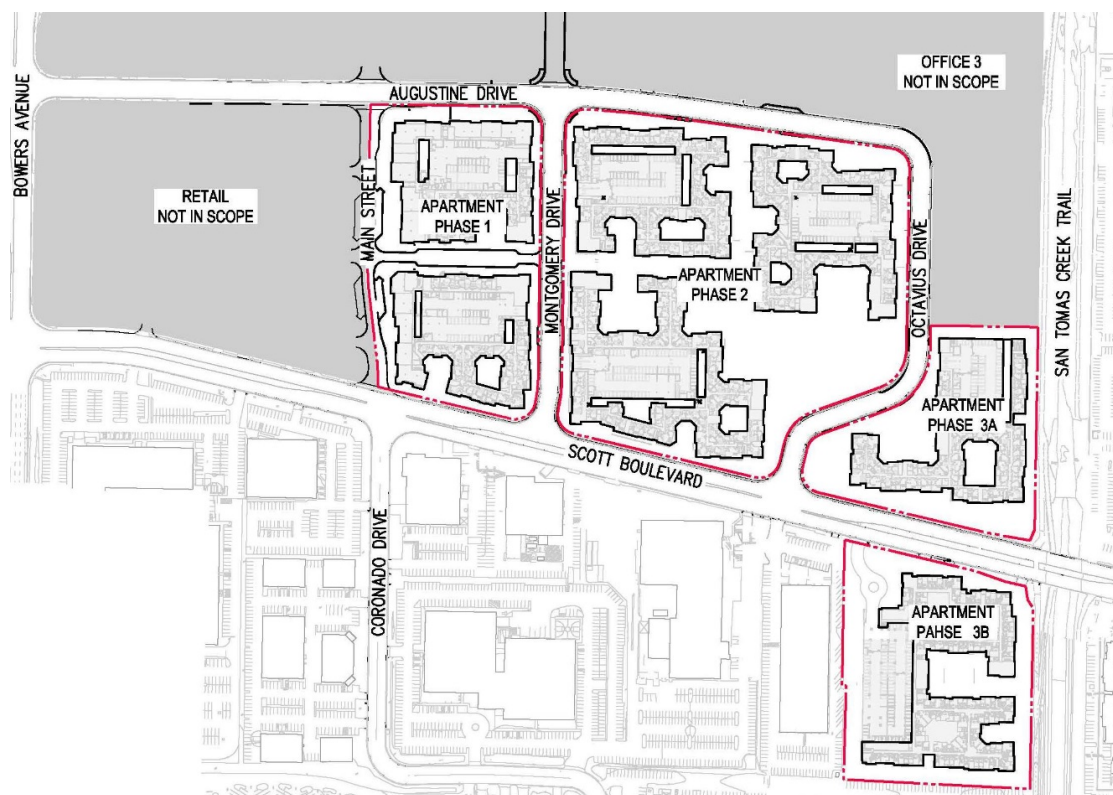


Figure 1: Site map

